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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,553	07/16/2003	Klemens Dworatzek	037141.52545US	5934
23911	7590	05/10/2005		
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER MCMAHON, MARGUERITE J	
			ART UNIT 3747	PAPER NUMBER

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/619,553	DWORATZEK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Marguerite J. McMahon	3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) 5 and 16 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4, 6-15, 17 and 18 is/are rejected.

7)  Claim(s) 19 and 20 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/7/04

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

This application contains claims directed to the following patentably distinct species of the claimed invention: Species I of Figure 3, which claim 16 is readable on; Species II of Figure 4, which claim 16 is readable on; Species III of Figures 5 and 6, which claims 4, 5, and 11-14 are readable on; and Species of Figure 7, which claims 8-14 and 18-20 are readable on.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-4, 6, 7, 15, and 17 are considered to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with J. D. Evans on April 28, 2005 a provisional election was made without traverse to prosecute the invention of Species IV, claims 8-14 and 18-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 5 and 16 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the valve characteristics being variable by a manually axially adjustable abutment must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-7, 9, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Briggs et al (5,975,061). Note a valve for controlling a fluid flow comprising a base body 40, a valve body 52, 56, 58, and a biasing means 68, said base body comprising a valve side and an opposite side situated opposite said valve side, wherein a part of the valve body protrudes through an opening in the base body, and the biasing means is disposed between the opposite side of the base body and the valve body and supported against said opposite side of the base body, the biasing means comprising a compression spring, wherein the part of the valve body which protrudes through an opening in the base body is constructed as an abutment for the

biasing means, the abutment means being axially adjustable (see column 3, last line and lines 1-4 of column 4), the biasing means being replaceable (see column 6, lines 11-14), and a sealing member 64 provided directly on the valve body.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 10, 12, and 14 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Briggs et al (5,975,061). Briggs et al show everything except explicitly mentioning that the abutment is adjustable manually without the use of tools and that the sealing element is made of an injection moldable material integrally molded on the valve body. It would have been obvious, if not inherent that the abutment is adjustable manually without the use of tools by merely turning the abutment portion 52 of the valve body, so that it unscrews from the rest of the valve body. Furthermore, it would have been obvious, if not inherent to form the sealing element of an injection moldable material integrally molded on the valve body, since this is conventional.

Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Briggs et al (5,975,061). Briggs et al show everything except utilizing a snap hook for the part of the valve body which protrudes through the opening in the base body and utilizing a biasing means which is made of an injection moldable body material integrally

molded on the base body. It would have been obvious to one having ordinary skill in the art to modify Briggs et al by employing a snap hook arrangement in lieu of the valve head 58 as the two are alternative equivalents, known for the same purpose. In addition, it would have been obvious to one having ordinary skill in the art to modify Briggs et al by utilizing a biasing means (i.e. spring) which is made of an injection moldable body material integrally molded on the base body in lieu of removable spring 68, as the two are alternative equivalents, known for the same purpose, as evidenced by claim 9.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Briggs et al (5,975,061) in view of Trefz (5,579,744) or Walker, Jr (6,422,224). Briggs et al show everything except utilizing the valve as a pressure relief valve in a filter housing on a crankcase gas vent line. Trefz and Walker, Jr. both show utilizing a pressure relief valve in a filter housing on a crankcase gas vent line between the crankcase and the air intake of an internal combustion engine. It would have been obvious to one of ordinary skill in the art to utilize the pressure regulator valve of Briggs et al in a crankcase ventilation filter application, in order to provide pressure regulation of a crankcase gas line filter, as shown by Trefz and Walker, Jr. to prevent pressure extremes in the filter device.

#### ***Allowable Subject Matter***

Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marguerite J. McMahon whose telephone number is 703-308-1956. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuen Henry can be reached on 703-308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*mm*  
MARGUERITE MCMAHON  
PRIMARY EXAMINER